

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 90-135  
NPDES NO. CA0005410

WASTE DISCHARGE REQUIREMENTS FOR:

DESOTO, INC.  
BERKELEY, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. Desoto, Inc., hereinafter called the discharger, located at 1608 Fourth Street in Berkeley operates a facility for the manufacture of paints, coatings and resins. By application dated August 1, 1989 the discharger has applied for reissuance of waste discharge requirements and a permit to discharge stormwater under the National Pollutant Discharge Elimination System (NPDES).
2. Stormwater runoff from portions of the discharger's plant area contains pollutants from the storage and handling of solvents and base materials used in the discharger's operation. Stormwater flows to a below ground vault where it can either be released into a storm drain which is tributary to San Francisco Bay or pumped to the sanitary sewer. Stormwater is released to the storm drain only when the connection to the sanitary sewer is unable to keep up with flow.
3. The discharge is presently governed by Waste Discharge Requirements, Order No. 84-79 and Order No. 87-149, which added additional self monitoring requirements. These Orders allow discharge to San Francisco Bay.
4. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) in December 1986. The State Water Resources Control Board approved it in May 1987. The Basin Plan contains water quality objectives for San Francisco Bay and contiguous waters.
5. The beneficial uses of San Francisco Bay and contiguous water bodies are:
  - o Water contact recreation
  - o Non-contact water recreation
  - o Wildlife habitat
  - o Rare and Endangered Species Habitat

- o Fish migration and spawning
  - o Estuarine Habitat
  - o Shellfish Harvesting
  - o Commercial and Sport Fishing
  - o Industrial Service and Process Supply
  - o Navigation
6. Effluent limitations, toxic effluent standards, established pursuant to Section 301, 304, and 307 of the Clean Water Act and amendments thereto are applicable to the discharge.
  7. Effluent limitation guidelines requiring the application of best available technology economically achievable (BAT) have not been promulgated by the U.S. Environmental Protection Agency for this type of discharge. Effluent limitations of the Order are based on the Basin Plan, State Plans and Policies, current plant performance, and best professional judgement. The limitations are considered to be those attainable by BAT, in the judgement of the Board.
  8. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21000 of Division 13) of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
  9. The Board has notified the discharger and interested agencies and persons of its intent to reissue waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
  10. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED THAT DeSoto, Inc. in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. The discharge of waste other than stormwater runoff is prohibited.
2. The valve to the storm drain shall not be left open when the plant is not staffed.

B. Effluent Limitations

1. Effluent discharge shall not exceed the following limits:

<u>Constituents</u>	<u>Units</u>	<u>30-day Average</u>	<u>Maximum Daily</u>
Oil and Grease	mg/l	10	20
Arsenic	ug/l		20
Cadmium	ug/l		10
Chromium VI	ug/l		11
Copper	ug/l		20
Lead	ug/l		5.6
Mercury	ug/l		1
Nickel	ug/l		7.1
Silver	ug/l		2.3
Zinc	ug/l		58
Purgeable Halocarbons	ug/l		5
Purgeable Aromatics	ug/l		5
Phenols	ug/l		500
Polynuclear Aromatic Hydrocarbons	ug/l		15

2. The pH of the discharge shall not exceed 8.5 nor be less than 6.5.
3. In any representative set of samples, the waste as discharged shall meet the following limit of quality:

TOXICITY: The survival of three-spine stickleback or fathead minnow (or rainbow trout) in a 96-hour bioassay shall achieve a median of 90% survival and a 90 percentile value of not less than 70% survival.

C. Receiving Water Limitations

1. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place:
  - a. Floating, suspended, or deposited macroscopic particulate matter or foam;
  - b. Bottom deposits or aquatic growths;
  - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
  - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
  - e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge of waste shall not cause the following limits to be exceeded in waters of the State in any place within one foot of the water surface:
  - a. Dissolved Oxygen      7.0 mg/L minimum. Median of any three consecutive months shall not be less than 80% saturation. When natural factors cause lesser concentration(s) than those specified above, then this discharge shall not cause further reduction in the concentration of dissolved oxygen
  - b. pH      Variation from natural ambient pH by more than 0.5 pH units.
  - c. Un-ionized ammonia      0.025 mg/L as N Annual Median  
0.4 mg/L as N maximum.
3. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board as required by the Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Board will revise and modify this Order in

accordance with such more stringent standards.

D. Provisions

1. Neither the treatment nor the discharge of pollutants shall create a nuisance as defined in the California Water Code.
2. The requirements prescribed by this Order supersede the requirements prescribed by Order No. 84-79 adopted on November 21, 1984 and Order No. 87-149 adopted on November 18, 1987. Order Nos. 84-79 and 87-149 are hereby rescinded.
3. Areas of the plant open to rainfall or which can contribute to contamination of stormwater are subject to Best Management Practices (BMP) that are acceptable to the Executive Officer.

The BMP shall include, but not be limited to those practices (including technological, economic and operational considerations), within the control of the discharger and approved by the Executive Officer, which are the most effective and practicable means of preventing or reducing the amount of pollutants generated by runoff that is intercepted and collected for discharge from the facility.

4. The discharger shall comply with all sections of this order immediately upon adoption, except as provided below.

The discharger shall perform a study to determine the feasibility to meet Effluent Limitations B.1, except for oil and grease. Upon completion of the study the discharger shall take the steps necessary to comply with the effluent limitations of this Order or cease the discharge or document that an inordinate burden would be placed on the discharger relative to beneficial uses protected and that alternative effluent limitations or mitigation measures will ensure the protection of beneficial uses. These tasks shall be completed in accordance with the following time schedule:

<u>Task</u>	<u>Complete Task</u>
Submit study progress report.	February 1, 1991
Complete study and submit a Best Management Practice Plan (BMP).	June 1, 1991.
Achieve compliance with all effluent	

limitations B.1 of this Order or  
submit documentation for alternative  
limits.

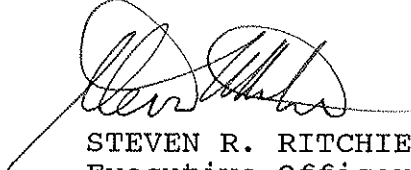
October 1, 1991.

The BMP shall be consistent with the EPA regulations 40 CFR 125, Subpart K and the general guidance contained in the "NPDES Best Management Guidance Document", EPA Report No. 600/9-79-045, December 1979 (revised June 1981). The BMP shall specifically address segregation of non-contaminated stormwater from contaminated areas. A BMP program acceptable to the Executive Officer, shall be implemented by August 1, 1991.

5. The discharger shall review and update annually its contingency plan as required by Board Resolution No. 74-10. The discharge of pollutants in violation of this Order where the discharger has failed to develop and/or implement a contingency plan will be basis for considering such discharge a willful and negligent violation of this Order pursuant to Section 13387 of the California Water Code.
6. The discharger shall comply with the self-monitoring program as adopted by the Board and as may be amended by the Executive Officer.
7. The discharger shall comply with all items of the attached "Standard Provisions, Reporting Requirements and Definitions" dated December 1986, except items B.2 and C.8.
8. All applications, reports, or information submitted to the Regional Board shall be signed and certified pursuant to Environmental Protection Agency regulations (40 CFR 122.41K).
9. Pursuant to Environmental Protection Agency regulations [40 CFR 122.42(a)] the Discharger must notify the Regional Board as soon as it knows or has reason to believe (1) that they have begun or expect to begin, use or manufacture of a pollutant not reported in the permit application, or (2) a discharge of a toxic pollutant.
10. This Order expires October 17, 1995. The discharger must file a report of waste discharge in accordance with Title 23, Chapter 3, Subchapter 9 of the California Administrative Code not later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.
11. This Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the

Clean Water Act or amendments thereto, and shall become effective 10 days after date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.

I, Steven R. Ritchie, Executive Officer do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on October 17, 1990.



STEVEN R. RITCHIE  
Executive Officer

Attachments:

Standard Provisions & Reporting  
Requirements, December 1986  
Self Monitoring Program  
Resolution 74-10

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM

FOR

DESOTO, INC.

BERKELY FACILITY

BERKELY, ALAMEDA COUNTY

NPDES NO. CA0005410

ORDER NO. 90-135

SMP CONSISTS OF

PART A, dated December 1986

AND

PART B, Ordered October 17, 1990



## PART B

### I. DESCRIPTION OF SAMPLING STATIONS

#### A. EFFLUENT

<u>Station</u>	<u>Description</u>
E-001	At any point in the outfall from the stormwater containment vault between the point of discharge to Virginia Street and the point at which all stormwater tributary to that outfall is present.

#### B. RAINFALL

<u>Station</u>	<u>Description</u>
R	A rain gage that is maintained on-site that accurately measures daily rainfall.

### II. SCHEDULE OF SAMPLING AND ANALYSIS

The schedule of sampling and analysis is given in Table I (attached).

### III. MODIFICATIONS OF PART A

Delete items D.2.a, E. and G.4.c.

### IV. MISCELLANEOUS REPORTING


- A. Violations of any permit limitations shall be reported on the monthly transmittal letter accompanying the self-monitoring report in the following format or equivalent:

- |                       |              |              |                      |
|-----------------------|--------------|--------------|----------------------|
| 1. Parameter of       | Violation    | Permit       | Value (or range      |
| <u>Violated Limit</u> | <u>Ratio</u> | <u>Limit</u> | <u>of values) of</u> |
|                       |              |              | <u>Violation</u>     |
2. Remedy or proposed remedy to restore compliance.

I, Steven R. Ritchie, Executive Officer, hereby certify that the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedure set forth in this Regional Board's Resolution No. 73-16 in order to obtain data and document compliance with waste discharge requirements established in Regional Board Order No. 90-135.

2. Is effective on the date shown below.
3. May be reviewed at any time subsequent to the effective date upon written notice from the Executive Officer or request from the discharger, and revisions will be ordered by the Executive Officer.



STEVEN R. RITCHIE  
Executive Officer

DATE ORDERED OCTOBER 17, 1990

Attachments: Table I - Schedule for Sampling, measurements, and analysis

TABLE 1

## SCHEDULE FOR SAMPLING, MEASUREMENTS AND ANALYSIS

<u>Station</u>	<u>Analysis</u>	<u>Units</u>	<u>Type of Sample</u>	<u>Frequency of Analysis (1)</u>
E-001	Flow	gpd	continuous	during discharges
	Oil and Grease	mg/l	grab	4/year
	pH	pH units	grab	4/year
	Metals: Arsenic Cadmium Chromium VI (2) Copper Lead Mercury Nickel Silver Zinc	ug/l	grab	4/year
	Toxicity	% survival	grab	2/year
	Purgeable Halocarbons (3)	ug/l	grab	4/year
	Purgeable Aromatics (3)	ug/l	grab	4/year
	Phenols (3)	ug/l	grab	4/year
	Polynuclear Aromatic Hydrocarbons (3)	ug/l	grab	4/year
	Rainfall	inches	daily	during discharges

FOOTNOTES

- (1) Samples should be taken evenly distributed throughout the rainy season if possible. If less than four discharges take place during a year, sampling frequency shall be once per discharge.
- (2) May be met as total chromium.
- (3) Analysis for these compounds may be performed with any EPA approved method capable of obtaining the required detection limits.